

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division



IN RE COMPUTER SCIENCES
CORPORATION SECURITIES
LITIGATION

)
)
)

Case No. 1:11cv610-TSE-IDD

ORDER

This matter came before the Court on the following motions:

(i) Motion of the New York Hotel Trades Council & Hotel Association of New York City, Inc. Pension Fund ("Hotel Fund") for Consolidation, Appointment as Lead Plaintiff, and Approval of Selection of Lead Counsel;

(ii) Motion of Ontario Teachers' Pension Plan Board ("Ontario Teachers") for Consolidation of the Related Actions, Appointment as Lead Plaintiff, and Approval of Selection of Counsel; and,

(iii) Construction Laborers Pension Trust of Greater St. Louis's ("Pension Trust") Motion for Consolidation, Appointment as Lead Plaintiff and Approval of Selection of Counsel.

The rulings on the pending motions are as follows:

A. Consolidation

The three motions to consolidate are effectively identical and no party, including defendant Computer Sciences Corporation ("CSC"), opposes consolidation of the four pending cases: Given this and because the requirements of Rule 42, Fed. R. Civ. P. are fully met, and for the reasons stated from the bench it is **ORDERED** that the motions to consolidate are **GRANTED** to the extent that they are consistent with the following ruling, and are **DENIED** in other respects.

For the reasons stated from the bench and pursuant to 15 U.S.C. § 78u-4(a)(3)(B)(ii) (2006), it is **ORDERED** that:

(i) This ruling does not address the question whether the alleged class or classes should be certified pursuant to Rule 23, Fed. R. Civ. P., or how any class or classes should be structured in the event of certification. Nor does this ruling foreclose consideration whether any issues, claims, or defenses relating to liability or damages should be tried separately;

(ii) It is further **ORDERED** that the consolidated action shall proceed under the following caption and case number: "In re Computer Sciences Corporation Securities Litigation, Civ. No. 11-610-TSE-IDD";

(iii) All further pleadings shall be filed exclusively in the consolidated case file, and no further pleadings shall be filed in the individual cases. Accordingly, the following cases are hereby **ADMINISTRATIVELY CLOSED**:

(a) *City of Roseville Employees' Ret. Sys. v. Computer Sci. Corp.*, Civ. No. 11-610-TSE-IDD;

(b) *Murphy v. Computer Sci. Corp.*, Civ. No. 11-636-TSE-IDD;

(c) *Kramer v. Computer Sci. Corp.*, Civ. No. 11-751-TSE-IDD; and,

(d) *Goldman v. Computer Sci. Corp.*, Civ. No. 11-777-TSE-IDD;

(iv) The parties and the Clerk are directed to notify the Court in the event that any case not identified in this Order, including any subsequently filed case, should be the subject of an Order making it part of this consolidated hearing;

(v) Lead plaintiff, as identified below, shall file an amended consolidated complaint (in accordance with the schedule set forth below), which shall, at a minimum, (a) include as named plaintiffs each of the named plaintiffs in the now-consolidated actions, (b) allege a class or

classes sufficient to include all of the classes and plaintiffs described in the various now consolidated actions, and (c) allege claims sufficient to encompass all of the claims in the various, now consolidated actions.

B. Lead Plaintiff and Lead Counsel

For the reasons stated from the bench and pursuant to 15 U.S.C. § 78u-4(a)(3)(B)(i) (2006), it is **ORDERED** that:

(i) Ontario Teachers' motion to be appointed lead plaintiff and to approve its choice of counsel is **GRANTED**, as the Court has determined that Ontario Teachers is "most capable of adequately representing the interests of class members" under 15 U.S.C. § 78u-4(a)(3)(B)(i) (2006). Ontario Teachers' selection of Labaton Sucharow LLP as lead counsel and its selection of Patton Boggs LLP as local counsel is accordingly **APPROVED**. Lead counsel shall have the authority and responsibility to speak for all named plaintiffs and class members in all matters regarding this litigation, including, but not limited to, pre-trial proceedings, motion practice, trial, and settlement. Lead counsel must make all work assignments in such manner as to facilitate the orderly and efficient prosecution of this litigation, and to avoid duplicative or unproductive effort.

(ii) Hotel Fund's motion to be appointed lead plaintiff is **DENIED** and its motion to approve its choice of counsel is **DENIED AS MOOT**; and,

(iii) Pension Trust's motion to be appointed lead plaintiff is **DENIED** and its motion to approve its choice of counsel is **DENIED AS MOOT**.

C. Schedule

As stated from the bench, it is **ORDERED** that the following schedule shall govern the filing of the amended consolidated complaint and the response thereto:

(i) Lead plaintiff must file its amended consolidated complaint by 5:00 PM, Thursday, September 22, 2011;

(ii) Defendants must file any responsive pleading by 5:00 PM, Friday, October 14, 2011;

(iii) In the event that defendants file a motion to dismiss pursuant to Rule 12, Fed. R. Civ. P. in lieu of an answer to the complaint, lead plaintiff must file its opposition to the motion by 5:00 PM, Tuesday, October 25, 2011;

(iv) Defendants must file their reply to lead plaintiff's opposition by 5:00 PM, Friday, October 28, 2011; and,

(v) Oral argument on any motion to dismiss will be held at 2:00 PM, Friday, November 4, 2011.

As stated from the bench, it is further **ORDERED** that the following schedule shall govern the motion to certify the class or classes:

(i) Lead plaintiff must file its motion for class certification pursuant to Rule 23, Fed. R. Civ. P. by 5:00 PM, Thursday, September 22, 2011; and,

(ii) Defendants must file any opposition to that motion by 5:00 PM, Wednesday, October 14, 2011.

An appropriate Scheduling Order governing other aspects of this litigation will shortly issue. The extension of time Orders issued by the Magistrate Judge in Civ. No. 11-610-TSE-IDD (Dkt. No. 12), Civ. No. 11-636-TSE-IDD (Dkt. No. 11), Civ. No. 11-751-TSE-IDD (Dkt. No. 6), and Civ. No. 11-777-TSE-IDD (Dkt. No. 7), are hereby **VACATED**.

D. Limited Discovery

For the reasons stated from the bench and pursuant to 15 U.S.C. § 78u-4(b)(3)(B) (2006), it is **ORDERED** that in the event that defendants file a motion to dismiss under Rule 12, Fed. R.

Civ. P., the stay of discovery will be **LIFTED** for the following limited purpose only: the defendants may take the deposition by oral examination of one (1) representative that Ontario Teachers shall designate under Rule 30(b)(6), Fed. R. Civ. P.

E. Service and Record Keeping

There are multiple named plaintiffs in this consolidated class action, and service of pleadings on each named plaintiff would be difficult and wasteful. Accordingly, it is **ORDERED** that defendants need only serve pleadings on the lead plaintiff to effect service on each of the named plaintiffs and to effect service of the pleadings on the class or classes in the event of class certification. It is further **ORDERED** that lead plaintiff, by lead counsel or by liaison counsel, shall ensure that counsel of record for each of the named plaintiffs shall promptly receive any and all pleadings in this case. It is further **ORDERED** that lead and local counsel shall maintain complete and correct records of (i) the tasks performed, (ii) the time required to perform the tasks, and (iii) copying, mailing, and other expenses, so that the Court may reasonably evaluate claims for fees and expenses should such claims be warranted.

The Court shall retain continuing jurisdiction to revisit the terms of this Order, on motion or *sua sponte*, as circumstances may dictate over the course of the litigation.

The Clerk is directed to (i) file and docket this Order in Civ. No. 11-610-TSE-IDD, (ii) file and docket a certified copy of this order in each of the consolidated cases named in Section A.(iii) above, and (iii) send a copy of this Order to all counsel of record in the consolidated cases.

Alexandria, Virginia
Monday, August 29, 2011



T. S. Ellis, III
United States District Judge